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DATE: March 1, 2012

TO: Authorized Representative
School Meals Program

FROM: Patti Harding, Administrative Consultant
Bureau of Nutrition, Health and Transportation Services

SUBJECT: SP 10-2012 – REVISED
Questions & Answers on the Final Rule, “Nutrition Standards in
the National School Lunch and School Breakfast Programs”

Attached are Questions & Answers on the final rule to update the school meals offered under the National School Lunch and School Breakfast Programs, as required by the Healthy, Hunger-Free Kids Act of 2010. This guidance addresses the final rule overall, and includes questions on general and specific aspects of the new meal requirements. We will revise this document periodically to issue additional Questions & Answers as they arise during the implementation of the new meal requirements. These Questions & Answers and other materials related to the new meal requirements are available on a special webpage on the FNS website:

<http://www.fns.usda.gov/cnd/Governance/Legislation/nutritionstandards.htm>.

We appreciate all you do for the School Meal Programs and look forward to working with you to improve the nutrition of America’s children

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Final Rule “Nutrition Standards in the National School Lunch and School Breakfast Programs”

Questions & Answers for Program Operators – Revised 2/23/12 ***(New or Revised Q/As are italicized)***

General:

1. Why is USDA setting new meal patterns and dietary specifications for school meals?

On December 13, 2010, President Obama signed into law Public Law 111-296, the Healthy, Hunger-Free Kids Act of 2010 (HHFKA). This historic legislation marked the most comprehensive changes to the school nutrition environment in more than a generation. The last update to school meals standards was over 15 years ago. Since that time, tremendous advancements in our understanding of human nutrition have occurred. In response to that reality, the HHFKA required USDA to update school meal nutrition standards to reflect the most current dietary science.

The timing of this legislation and USDA’s standards are critically needed to help combat the epidemic of childhood obesity as well as the urgent problem of childhood hunger. Nearly 1 in 3 children are at risk for preventable diseases like diabetes and heart disease due to overweight and obesity. If left unaddressed, health experts tell us that our current generation of children may well have a shorter lifespan than their parents. Additionally, during 2010 over 17 million households in the United States, representing over 32 million adults and over 16 million children, struggled to put enough food on the table. For many of these children, a school meal is the only nutritious source of food they can count on.

2. What are the main differences between the proposed and final rules?

The final rule makes significant improvements to school meals, while modifying several key proposed requirements to address public comments regarding cost, timing/implementation, food waste, and administrative burden. The final rule, in comparison to the proposed rule:

- Phases-in changes to the breakfast program gradually over a three-year period
- Does not require a meat/meat alternate at breakfast daily
- Does not restrict starchy vegetables, and establishes weekly minimums for all vegetable subgroups
- Reduces the required weekly grains amounts at lunch
- Allows students to take smaller portions of the fruits and vegetables components (at least ½ cup of either) under Offer versus Serve
- Provides an additional year for the implementation of the second sodium target
- Requires State agencies to assess compliance with the new meal requirements based on the review of one week of menus (instead of two weeks as proposed)
- Allows schools to continue the current tomato paste crediting practice of crediting by whole food equivalency

3. How are the new meal patterns and dietary specifications different from current requirements?

The key changes to the meals for children in grades K and above are:

NSLP

- A daily serving of fruits
- A daily serving of vegetables plus a weekly requirement for dark green, red/orange, beans/pea (legumes), starchy, and “other” vegetables Increased quantity of combined fruits and vegetables
- Weekly meat/meat alternate ranges plus a daily requirement
- In the first year of implementation, at least half of the grains offered during the school week must be whole grain-rich

SBP

- Meat/meat alternate may be offered after minimum grains requirement is met
- In the second year of rule implementation, at least half of the grains offered during the school week must be whole grain-rich
- In the third year of implementation, fruit quantity increase at breakfast
- Breakfast is included in administrative reviews

NSLP and SBP

- One food-based menu planning approach and same age/grade groups
- Fruits and vegetables are two separate food components
- Daily fruits requirement
- Under Offer versus Serve, student must select at least ½ cup of the fruits or the vegetables component as part of the reimbursable meal
- Weekly grains ranges plus daily minimum requirement
- On the third year of rule implementation, all grains offered during the school week must be whole grain-rich
- Fat-free (unflavored or flavored) and unflavored low-fat milk only
- Calorie minimum and maximum levels
- Intermediate (Target 1 and Target 2) and final sodium reductions
- Trans fat limit
- Limit on saturated fat only (not on total fat)
- 3-year administrative review cycle

4. When will the changes take place?

The new lunch meal pattern is effective July 1, 2012, the beginning of SY 2012-2013. With the exception of the new milk requirement, changes to the breakfast program will be phased-in beginning July 1, 2013 (SY 2013-2014). See the implementation chart in the FNS website,

<http://www.fns.usda.gov/cnd/Governance/Legislation/nutritionstandards.htm>.

5. Does this rule impact the meals for children with disabilities?

The meals for children with recognized medical disabilities that restrict their diet are not affected by the new meal patterns and dietary specifications and continue to be based on a medical statement from a licensed physician.

Optional accommodations for children with special dietary needs (without recognized medical disabilities) must be consistent with the new meal patterns and dietary specifications.

6. Will schools operating Seamless Summer Option in the summer of 2012 be required to follow the new meal patterns as of July 1, 2012?

Schools offering the SSO this summer have the option to follow new meal requirements or the requirements currently in place in SY 2011-2012.

Fruits and Vegetables:

1. What forms of fruits are required?

Schools may offer fruits that are fresh; frozen without sugar; canned in light syrup, water or fruit juice; or dried. Pasteurized, full-strength fruit juice may also be offered (it is credited to meet no more than one-half of the fruits component). Required quantities are established in the meal patterns for lunch and breakfast.

2. What types of vegetables are required?

Over the course of the week, schools must offer all vegetable subgroups established in the 2010 Dietary Guidelines for Americans: dark green, red/orange, dry beans/peas (legumes), starchy, and “other” vegetables (as defined in the Dietary Guidelines). Required minimum weekly quantities for each subgroup are established in the lunch meal pattern. Pasteurized, full-strength vegetable juice is also allowable (it is credited to meet no more than one-half of the vegetables component). We plan to release additional guidance to assist school food authorities in classifying vegetables in the appropriate subgroup. Vegetables are an option for breakfast.

3. Where are kinds of vegetables in each of the required vegetable subgroups identified?

Section 210.10(c)(2)(iii) of the regulations identifies the required vegetable subgroups. It is important to note that the term “other vegetables” refers to a specific vegetable subgroup that is listed in the 2010 Dietary Guidelines for Americans as well as online under www.ChooseMyPlate.gov.

4. How can schools minimize food waste while requiring students to take a fruit or a vegetable as part of the meal?

Under Offer versus Serve, schools must offer enough for each child to take the full required amount of each component, but a student may take smaller portions of the fruits and vegetables components, if desired. Students must select at least ½ cup daily of the fruits or the vegetables components for a meal to be considered reimbursable under Offer versus Serve in the NSLP and SBP.

Questions Added:

5. Are schools required to offer the vegetable subgroups at lunch in any specific sequence during the week?

No. The menu planner decides when and how to offer the required vegetable subgroups at lunch.

6. Is a school that offers vegetables in place of fruits at breakfast required to offer the vegetable subgroups in any particular sequence to ensure that the first two cups of any such substitution are from the vegetable subgroups that are under-consumed?

The SBP does not have a total vegetable or a weekly vegetable subgroups requirement. If a school chooses to offer vegetables in place of fruits, it must plan how and when to offer them. As long as at least two cups of the red/orange, dark green, legumes, or “other” vegetable subgroups are offered over the course of the week, it does not matter what day of the week the starchy vegetables are included in the menu.

7. At breakfast, must the student select only one fruit or may the student select a combination of fruit choices to meet the required fruit component for the reimbursable meal?

Students may select a single fruit type or a combination of fruits to meet the required fruit component. Under Offer versus Serve, however, the student must select at least ½ cup of any fruit or combination of fruits to have a reimbursable meal.

8. What is the minimum amount of a fruit or vegetable that can be credited toward the meal pattern?

The minimum creditable serving size for a fruit or a vegetable is 1/8 cup. However, 1/2 of a cup is the minimum amount of fruits or vegetables that a student must select for a reimbursable meal under Offer versus Serve. There is no daily or weekly maximum limit for fruits or vegetables provided the specific calorie limitations are not exceeded.

9. Can vegetable juice blends contribute toward a vegetable subgroup?

Full strength vegetable juice blends that contain vegetables from the same subgroup may contribute toward that vegetable subgroup. Vegetable juice blends containing vegetables from more than one subgroup may contribute to the “additional” vegetable subgroup. For example, a full-strength carrot/tomato vegetable juice blend may credit toward the “orange/red” vegetable subgroup. However, a full-strength vegetable juice blend containing carrots, spinach, tomato and watercress, may only credit toward the “additional” vegetable subgroup.

10. How do leafy salad greens credit toward meal pattern requirements?

Raw and cooked greens credit differently. Raw, leafy salad greens credit at half the volume served, which is consistent with the Dietary Guidelines for Americans. For example, a 1/2 cup of Romaine Lettuce contributes 1/4 cup toward the “dark green” vegetable subgroup. Cooked leafy greens such as sautéed spinach are credited by volume as served; for example, 1/2 cup of cooked spinach credits as 1/2 cup of dark green vegetables.

11. How does dried fruit credit toward the meal pattern requirements?

Whole dried fruit and whole dried fruit pieces credit at twice the volume served. For example, a 1/4 cup of raisins contributes 1/2 cup fruit toward the fruit requirement, as recommended by the Dietary Guidelines for Americans.

12. Do 100% fruit strips, fruit drops or other snack-type fruit or vegetable products contribute toward meal pattern requirements?

No. Only whole dried fruit, whole dried fruit pieces, fresh, frozen or canned fruits; vegetables; or full-strength juice may contribute toward fruits and vegetables components. Effective July 1, 2012 (SY 2012-2013), reimbursable meals must not credit snack-type fruit products that may have been previously credited.

13. Will CN-Labeled Products that include vegetables provide crediting information for vegetable subgroups?

Yes. CN Labels will be revised to document the creditable amounts of the vegetable subgroups required by the final rule: dark green; red/orange, beans/peas (legumes), starchy, and “other.”

Meat/Meat Alternate:

1. Is a daily meat/meat alternate required at breakfast?

No; schools have discretion to offer a meat/meat alternate after the minimum daily grains requirement (1 oz. eq.) is met.

2. Are schools required to offer tofu as part of the lunch menu?

No; the final rule allows schools the option to offer commercially-prepared tofu as a meat alternate.

Questions Added:

3. Is regular yogurt still creditable as a meat/meat alternate?

Yes. There have been no crediting changes to meat/meat alternate options other than the ones specifically identified in the final rule.

4. Is soy yogurt or tofu yogurt creditable as a meat/meat alternate?

Tofu yogurt is not creditable; however, ½ cup of soy yogurt (4.0 fluid ounces) may credit as 1.0 ounce equivalent meat alternate.

Grains:

1. How will schools identify whole grain-rich products?

Until the whole grain content of food products is required on a product label by the Food and Drug Administration (FDA), schools must evaluate a grain product using the two-element criterion developed by the Institute of Medicine and set forth in the final rule:

Element #1. A serving of the food item must meet portion size requirements for the Grains/Breads component as defined in FNS guidance.

AND

Element #2. The food must meet at least one of the following:

- a. The whole grains per serving (based on minimum serving sizes specified for grains/breads in FNS guidance) must be ≥ 8 grams. This may be determined from information provided on the product packaging or by the manufacturer, if available. Also, manufacturers currently may apply for a Child Nutrition Label for qualifying products to indicate the number of grains/breads servings that are whole grain-rich.
- b. The product includes the following Food and Drug Administration (FDA)-approved whole grain health claim on its packaging. “Diets rich in whole grain foods and other plant foods and low in total fat, saturated fat and cholesterol may reduce the risk of heart disease and some cancers.”
- c. Product ingredient listing lists whole grain first, specifically:

I. Non-mixed dishes (e.g., breads, cereals): Whole grains must be the primary ingredient by weight (a whole grain is the first ingredient in the list)

II. Mixed dishes (e.g., pizza, corn dogs): Whole grains must be the primary grain ingredient by weight (a whole grain is the first grain ingredient in the list)

The product ingredient listing (Element #2c of the above criterion) is a practical way for schools to identify whole grain-rich products because manufacturers are not required to provide information about the grams of whole grains in their products, and the FDA whole grain health claim is not mandatory. Detailed instructions for this method appear in the *HealthierUS School Challenge Whole Grains Resource* guide, which is available online at http://teamnutrition.usda.gov/healthierUS/HUSSCkit_pp25-35.pdf. FNS will provide additional guidance as necessary.

2. Does the 51 percent guideline for whole grain-rich apply to the grain content of the product or to the weight of the product?

The 51 percent guideline for whole grain-rich requires that if the food item is a grain-based product (bread, cereal, etc), it must contain 51 percent or more whole grains by weight *or* have a whole grain listed as the first ingredient on the ingredient label. If the food item is a mixed dish product (lasagna, stir fry, etc), a whole grain must be the primary *grain* ingredient by weight.

3. Will the Child Nutrition Labeling program specify if whole grains are in a product?

Yes; the Child Nutrition Labeling program is being updated to report the whole grain-rich contributions to the grains component.

Questions Added:

4. *Can schools exceed the upper range of the grains component?*

No. The grain ranges are the minimum and maximum schools may offer. They are intended to help schools offer age-appropriate meals within the required calorie ranges.

5. *Does a school have to offer a whole grain rich item every day?*

Schools must offer at least a minimum amount of grains daily to meet the required weekly range. In SY 2012-2013 and SY 2013-2014 for lunch, and in SY 2013-2014 for breakfasts, half of the grains offered weekly must be whole grain-rich. During this period, the menu planner has discretion to decide when and how to offer whole grain-rich items, as long as the applicable whole grains-rich requirement is met. We encourage menu planners to offer whole grain-rich items often to facilitate student acceptability and transition to all whole grain-rich products in SY 2014-2015 for lunches and breakfasts. At that time, schools must offer only whole-grain rich products daily and weekly.

6. Will the products with a CN-Label indicate the contribution to the whole grain-rich (WGR) requirement?

Yes. Products with a CN Label that meet the whole grain-rich (WGR) criterion will be standardized to report this information. For example, “provides X.X servings of WGR grains for Child Nutrition Programs.” Additionally, temporary CN Label approvals (expiring June 30, 2014) will be issued for CN Label applications containing crediting for grains that are not considered whole grain-rich. Those standardized claims will continue to report, “provides X servings of bread or bread alternate” or “X servings of WGR grains” so that program operators will be able to distinguish between the WGR claims and non-WGR claims. This effort seeks to provide adequate time for manufacturers to reformulate products to meet the WGR requirements by June 30, 2014.

7. Does the removal of formulated grain-fruit products include energy/granola bars?

No. Formulated grain-fruit products were specifically defined in the school breakfast regulations (appendix A to 7 CFR 220). The final rule removes from the regulations the portion of appendix A that deals with formulated grain-fruit products. These products are highly fortified and have a specific nutrient profile. To credit them in the school breakfast program, they required approval from FNS and a statement on the label saying they met a grain and fruit serving. The removal of formulated grain-fruit products does not prohibit the use of energy bars, granola bars, cereal bars, breakfast bars, fortified cereals, or cereals with fruit to be credited toward the meal pattern.

Milk:

1. What types of milk are allowed?

Only fat-free (unflavored and flavored) and low-fat (1%) milk (unflavored) may be offered as part of the reimbursable meal.

2. Does the final rule impact the current provision on non-dairy milk substitutes for children with special dietary needs?

No. Required (disability accommodations) and optional (parent requested) milk substitutes are considered meal exceptions and are not subject to this final rule. Milk substitutes must meet the regulatory standards outlined in 7 CFR 210.10(d)(3), which do not address fat or flavor/sugar restrictions.

However, milk substitutes offered as part of the reimbursable meal must be included in weighted nutrient analysis and, therefore, are subject to the overall weekly average fat limit and calorie ranges. We do not expect that they are offered frequently enough to have a significant impact on the overall nutrient analysis.

Sodium:

1. What is the sodium requirement and when will schools have to meet it?

See the following chart for deadlines and corresponding maximum limits.

Implementation of the second and final targets is subject to USDA's review of data on the relationship between sodium intake and human health, as required by the FY 2012 Agriculture Appropriations Act.

Sodium Limits and Timeline		
Target I: SY 2014-15 Lunch ≤1230mg (K-5) ≤1360mg (6-8) ≤1420mg (9-12) Breakfast ≤540mg (K-5) ≤600mg (6-8) ≤640mg (9-12)	Target 2: SY 2017-18 Lunch ≤935mg (K-5) ≤1035mg (6-8) ≤1080mg (9-12) Breakfast ≤485mg (K-5) ≤535mg (6-8) ≤570mg (9-12)	Final target: 2022-23 Lunch ≤640mg (K-5) ≤710mg (6-8) ≤740mg (9-12) Breakfast ≤430mg (K-5) ≤470mg (6-8) ≤500mg (9-12)

2. How is USDA facilitating implementation of the sodium requirement?

The final rule extends the timeline to meet the second intermediate sodium target (Target 2). With this change, program operators have five years instead of four (until the School Year beginning July 1, 2017) to reach the second intermediate sodium target. Extending the timeline to meet Target 2 also gives the food industry more time to reformulate products, and gives school children more time to grow accustomed to foods with less salty flavor.

USDA is also facilitating implementation of the sodium requirement by offering low-sodium products through USDA Foods. For example, the USDA Foods program offers reduced sodium canned beans and vegetables at no more than 140 mg per half-cup serving, which is in line with the requirement to reduce sodium in school meals. The sodium content in most cheese products has been reduced, and there is wide availability of frozen vegetables and meats without added salt.

Question Added:

Trans Fat:

1. Does the trans fat ban apply to naturally occurring trans fat in beef?

No. Naturally occurring trans fat found in products such as beef, lamb, and dairy products made with whole milk is excluded from this ban.

Offer versus Serve (OVS):

1. How will OVS be implemented under the final rule?

OVS continues to be a requirement in the NSLP for senior high schools, and is an option for lower grade schools. It is also an option for the school food authority for all schools in the SBP. Under OVS, schools must offer all the required food components and quantities, and students are required to select at least 3 full components in the NSLP and SBP, with exceptions as noted below:

NSLP: In the NSLP, schools must offer 5 food components (milk, fruits, vegetables, grains, meat/meat alternates). Students are allowed to decline 2 of the 5 required food components, but must select at least ½ cup of either a fruit or vegetable. Students must select the other food components in the quantities planned.

SBP: In order to carry out the OVS option in the SBP, schools must offer 3 food components (milk, fruits and grains) that consist of a minimum of 4 food items. Students are allowed to decline 1 food item but must select at least ½ cup of fruit. Students must select the other food components in the quantities planned.

USDA Foods:

1. Will the products provided by USDA Foods enable schools to offer meals that meet the new requirements?

USDA Foods are better than ever. Fruits, vegetables, whole grains, and healthy sources of protein are available to help schools create meals that are consistent with the new meal requirements. For example, the USDA Foods program offers reduced sodium canned beans and vegetables at no more than 140 mg per half-cup serving, which is in line with the requirement to reduce sodium in school meals. A variety of frozen fruits and vegetables without added sugar or salt are also available. The program also offers reduced sodium and reduced-fat processed and blended cheeses (including cheddar and mozzarella), fajita strips, and beef products. Other healthy food choices available from USDA Foods are listed on their website: www.fns.usda.gov/fdd

Schools can convert their USDA Foods into ready-to-use end products. Establishing the nutrient standards for processed end products, and sharing their standards with processors, is the responsibility of the school/SFA that orders the end product.

2. How quickly will the USDA Foods catalog be updated to provide foods that support the new meal requirements?

FNS is working with the Agricultural Marketing Service (AMS) and the Farm Service Agency (FSA) to revise specifications as necessary, and update the fact sheets to reflect those changes. Over the past few years, FNS has improved product specifications to reduce sodium, fat and added sugars to help schools meet their nutrition goals as well as the Healthier US School Challenge criteria. For more information and resources, please visit FDD's webpage: www.fns.usda.gov/fdd.

3. Will State agencies have an opportunity to adjust USDA Foods orders already placed for School Year 2013?

Yes. State agencies will have an opportunity to adjust School Year 2013 orders placed prior to the final rule publication up until April 1, when the first solicitations occur.

Questions Added:

4. *How will USDA Foods help schools implement the changes to the NSLP and SBP meal pattern?*

USDA Foods help stretch food budgets and meet the new meal pattern requirements. These food items currently account for 15 to 20 percent of the food served on the lunch line. Over the past few years, USDA has improved product specifications to reduce sodium, fat and added sugars in USDA food items, to help schools meet the new nutrition standards. FNS is working with USDA's Agricultural Marketing Service (AMS) and Farm Service Agency (FSA) to revise product specifications as necessary, and update the USDA Foods fact sheets to reflect those changes. For example, AMS is revising its specifications to require frozen fruits without added sugars. USDA will continue to offer low sodium or no added salt canned and frozen vegetables, and many meat, poultry, and cheese items already contain less than 480 mg of sodium per serving. All necessary changes are expected to be in effect prior to the School Year 2013-14 purchases. For more information and resources, please visit FDD's webpage: www.fns.usda.gov/FDD

5. *With the new whole grain requirement, why is the USDA Foods program continuing to offer enriched flour, rice, and pasta products, instead of exclusively whole grain products?*

Since the final rule allows time (two years) for schools/students to make the transition to an exclusive use of whole grain-rich products, USDA Foods is making both types of products available in School Year 2012-13. Increasingly, USDA's whole-grain products are featured on school menus. Stir-fries using USDA quick-cooking brown rice, sandwich wraps with USDA whole-grain tortillas, and USDA whole-grain pasta with vegetables are popular menu offerings. Schools can top USDA's whole-grain rotini with USDA's low-sodium spaghetti sauce and use whole-wheat flour for breadsticks. USDA will continue to improve and expand whole grain offerings.

Question Added:

Age/Grade Groups:

1. The final rule established three age/grade groups for the NSLP and SBP. Does this mean that schools cannot offer the same meal to all grade levels?

Correct. In individual cases where a school district has an unusual grade configuration that prevents the use of the required age/grade groups, it may serve the same lunch and breakfast to children in grades K-5 and 6-8 as the requirements overlap. However, the school district would have to be very careful to meet the sodium and calorie requirements for each grade group. An example of this accommodation is provided in the rule preamble.

2. What age/grade groups must a K-8 school use for menu planning?

If a K-8 school is unable to effectively offer different meal patterns for the K-5 students and the grade 6-8 students, the menu planner may offer students in these grades the same quantities of the food components because the quantities required by the lunch meal patterns for the age/grade groups K-5 and 6-8 are the same or overlap. For example, the school would have to offer 8-9 oz eq of grains and 9-10 oz eq of meat/meat alternate to all students to meet the requirements established for groups K-5 and 6-8. In addition, the meals offered to these students must consist of 600-650 calories to meet the dietary specification for both groups. Furthermore, the sodium content of these meals, when in effect, must meet the sodium specification for the youngest group: K-5.

Implementation:

1. How will FNS assist with implementation of the new meal requirements?

FNS is committed to helping State and local operators implement these changes. We will provide training and technical assistance to program operators through a variety of methods, including webinars, special training sessions, and conference presentations. In the upcoming months, we will disseminate information at national events such as the School Nutrition Association (SNA) Legislative Action Conference, SNA's Annual National Conference, Food Research Action Center/Feeding America's Anti-Hunger Conference, the American Commodity Distribution Association annual conference, and School Board and Administrators' meetings. Interactive training on the new meal requirements, developed by FNS and the National Agriculture Library, will be available online shortly. The training presentations, webinars, fact sheets, Q&As, guidance and technical assistance materials designed to assist program operators with implementation of the new meal requirements will be available on the FNS website for easy access. In addition, USDA will provide additional funds to State agencies to support implementation of the rule.

FNS is also updating the Food Buying Guide and other essential resources, and collaborating with the National Food Service Management Institute to develop new resources. The Child Nutrition Database is currently being updated and nutrient analysis software systems available from industry will be reevaluated to assist State agencies with monitoring calories, saturated fat, and sodium in the meals offered to students in grades K through 12 during the administrative review. The Child Nutrition Labeling Program is also being updated to report whole grain-rich contributions to the grains component and to provide standardized crediting claims.

All materials related to the new school meal patterns will be housed on a special webpage on the FNS website:

<http://www.fns.usda.gov/cnd/Governance/Legislation/nutritionstandards.htm>

2. Are schools allowed to implement the meal requirements in the SBP in SY 2012-2013?

Yes. Schools that have the ability to implement any or all of the phased-in SBP meal requirements in SY 2012-2013 may do so with the approval of the State agency.

Questions Added:

Compliance:

1. Is the weighted nutrient analysis based on meals planned, offered or served?

The weighted nutrient analysis required to be conducted by the State agency is based on the meals offered by the schools selected for review.

2. Are schools/SFAs required to purchase nutrient analysis software to prove they are meeting the calories, saturated fat, and sodium specifications?

No. Schools/SFAs are not required to conduct a nutrient analysis under the final rule. They will receive technical assistance from the State agency to plan meals that are consistent with the dietary specifications. However, schools/SFAs may choose to conduct a nutrient analysis to assist in their efforts to ensure they are meeting the dietary specifications.

State agencies will monitor calories, saturated fat, and sodium in the meals offered to students in grades K through 12 during the administrative review. State agencies must use USDA-approved nutrient analysis software to assess compliance with these specifications, and include in the analysis all foods offered as part of the reimbursable meals during the one week review period.

3. Can a school/SFA purchase nutrient analysis software with funds from the non-profit school food service account?

Yes. However, only Nutrient Analysis Software Approved by USDA for Administrative Reviews is considered an allowable cost to the non-profit school food service account.

Monitoring:

1. How will State agencies monitor compliance with the new meal requirements?

State agencies will monitor compliance with the new meal requirements through administrative reviews. The final rule ends the School Meals Initiative reviews previously authorized under 7 CFR 201.19, and amends 7 CFR 210.18 to include monitoring of the new meal requirements (meal patterns and dietary specifications) as part of the administrative reviews. SFAs are not required to conduct a nutrient analysis because they are expected to follow the meal pattern to meet nutrient targets.

2. How many weeks of menus/production records must be reviewed?

State agencies will continue to assess compliance with the meal requirements based on a nutrient analysis of one week of menus, instead of two (as proposed).

3. When does the new 3-year review cycle begin?

The 3-year administrative review cycle begins SY 2013-2014. This allows State agencies to complete the current 5-year Coordinated Review Effort (CRE) cycle and prepare for the new review cycle. FNS will develop additional guidance on the implementation of the new administrative review cycle.

4. How will State agencies determine if school food authorities have planned menus that meet the new requirements in order to receive the additional 6 cents reimbursement rate increase?

Requirements for certification of school food authorities for the 6 cents reimbursement will be provided in a forthcoming interim rule, expected to be published in Spring 2012.

5. How does the rule address compliance with the new meal patterns and dietary specifications?

Technical assistance and corrective action continue to be the key tools used by the State agencies to seek compliance with the new meal requirements. However, as currently done, State agencies must apply immediate fiscal action if the meals offered are completely missing a required food component. State agencies must also take fiscal action for repeated violations of the vegetable subgroup and milk type requirements. State agencies have discretion to take fiscal action for repeated violations of the food quantity and whole grain requirements, and for repeated violations of the dietary specifications (calories, saturated fat, sodium, and trans fat).

Questions Added:

Miscellaneous:

1. Do the new meal requirements apply to other Child Nutrition Programs such as the afterschool snack service, Special Milk Program, Child and Adult Care Food Program, or Summer Food Service Program?

No. The final rule meal patterns and dietary specifications are for the NSLP (Seamless Summer option included) and SBP. However, the milk fat requirement established by this rule was previously implemented in the Special Milk Program, Child and Adult Care Food Program (CACFP), and Summer Food Service Program through policy memoranda (SP 29-2011 and CACFP 21-2011) for consistency across the Child Nutrition Programs. The proposed rule to revise the CACFP meal patterns is under development. When that rule is implemented, the NSLP and SBP infant and Pre-K meal patterns will also be updated. In the meantime, schools must follow the requirements in section 210.10 and 220.8.

2. Do the new meal requirements apply to meals served to Pre-K children in schools?

No. The meal pattern for Pre-K students will be updated through a future rule updating the CACFP meal patterns to ensure that meal requirements for preschoolers are the same across the Child Nutrition Programs. Until then, schools serving Pre-K children should continue to use existing meal patterns for this age group in 7 CFR 210.10(p) and 7 CFR 220.8(o).